

Automated Commercial Environment—Requirements Recommendation

Date:	December 10, 2003
Number:	ACT-016
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Trade Co-Chair:	Lori Goldberg

Requirement

ACE will notify the CBP Account Manager and/or Account Administrator and the Trade Account Owner, by either sending a message or flagging the transaction, when an unauthorized Customs Broker/Filer conducts Customs business on their behalf. Unauthorized Customs Broker/Filer is defined as the importer not having granted a Power of Attorney to the broker/filer to conduct Customs business on their behalf. Thus the broker/filer is not listed in the importer's account as a designated broker.

Business Need

To know when a broker/filer, who has not been granted a Power of Attorney from the importer, files an entry on their behalf. The Trade will investigate the warning message received and based on the results of that investigation will notify their Account Manager, Account Administrator or the Port Director that the customhouse broker/filer is not complying with Customs Regulation 141.46 which requires the customhouse broker to obtain a valid power of attorney before transacting Customs business in the name of his principal.

Technical Need

Benefits

Trade can notify CBP if a customhouse broker is violating CBP regulations and CBP has not denied the right of entry.

CBP will be able to do trend analysis to verify whether the filer continually files entries for importers without having a valid Power of Attorney. The dollar amount on the entry may also be critical to CBP and trigger further investigation on their part.

Importer will increase compliance through better control by monitoring, in real-time, which entities are filing on their behalf.

Risks

A non-designated broker who continually files entries without a valid Power of Attorney could pose a security risk for CBP.

Related Subcommittees

Broker Account Subcommittee, Entry Committee

Priority: Critical ☐ High X☐ Medium ☐ Low ☐